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## NOTICE OF ALLOWANCE AND FEE(S) DUE

5642 7590 08/18/2009

SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
5030 SUGARLOAF PARKWAY  
LAWRENCEVILLE, GA 30044

EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2424

DATE MAILED: 08/18/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,581	11/13/2001	Samuel H. Russ	A-6885	6608

TITLE OF INVENTION: NETWORKED SUBSCRIBER TELEVISION DISTRIBUTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/18/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/008,581 11/13/2001

Samuel H. Russ

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/18/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
HUYNH, SON P	2424	725-074000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

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DATE MAILED: 08/18/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1155 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1155 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

10/008,581

## Examiner

SON P. HUYNH

## Applicant(s)

RUSS ET AL.

## Art Unit

2424

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/09.
2. ☒ The allowed claim(s) is/are 1-16, 131-165, 168, 173, 176-177 and 180 have been renumbered as 1-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Alton Hornsby III (Reg. No. 47,299) on August 11, 2009.
3. The application has been amended as follows:

#### **Claim 1:**

line 6, limitation "an encoder" has been replaced as – **a video encoder**--

line 9, limitation "configured to operate" has been replaced as --  
**operating--**

line 10, limitation "configured to automatically change" has been replaced  
as – **automatically changing**—

line 14 and line 15, limitation "the encoder" has been changed to –**the  
video encoder**—

lines 18-23, limitation “a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to tune to a second tuned television signal in response thereto, such that the transmitter transmits an encoding of the second tuned television signal to the remote STT for display on the first viewing device; and a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device” has been replaced as – **a controller coupled to the receiver for accepting the control signal from the receiver and for instructing the first tuner to tune to another tuned television signal and for instructing the video encoder to encode the another tuned television signal into a changed encoded television signal in response thereto, such that the transmitter transmits the changed encoded television signal to the remote STT for display on the first viewing device; and**

**a Radio Frequency (RF) driver coupled to the second tuner, the RF driver for facilitating transmission of the second tuned television signal independently to a second viewing device—**

**Claim 2:**

lines 1-2, limitation “the changed encoded signal” has been replaced as – **the changed encoded television signal –**

**Claim 3:**

lines 1-2, limitation "the changed encoded signal" has been replaced as –  
**the changed encoded television signal --**

**Claims 114-130, 169 and 172** have been canceled.

**Claim 131:**

line 1, limitation "a set-top terminal" has been replaced as – **a master set-top terminal—**

lines 3-4, limitation "tuning a television signal from a received multiplex signal, into a tuned television signal, wherein the multiplexed signal is received from a headend service provider;" has been replaced as – **tuning, at a first tuner, a television signal from a received multiplexed signal, into a first tuned television signal;**

**tuning, at a second tuner, the television signal from the received multiplexed signal, into a second tuned television signal;**

**receiving the first tuned television signal at a video encoder supporting a plurality of encoding formats;—**

lines 5-6, limitation "digitally encoding the tuned television signal having one of a plurality of encoding formats into an encoded signal having another one of the encoding formats" has been replaced as – **digitally encoding the first tuned television signal having one of the plurality of encoding formats into an encoded signal having another one of the plurality of encoding formats—**

line 12, limitation "a viewing device" has been replaced as -- **a first viewing device** --

line 13, limitation "the STT" has been replaced as -- **the remote STT**—

lines 14-17, limitation "responsive to the received control signal, instructing the first tuner to change the tuned television signal; and responsive to the change, transmitting a changed encoded signal to the remote STT for display on the viewing device" has been replaced as-- **responsive to the received control signal, instructing the first tuner to tune to another tuned television signal such that an encoding of the another tuned television signal is transmitted to the remote STT for display on the first viewing device; and**  
**facilitating transmission of the second tuned television signal independently to a second viewing device, the second viewing device being different than the first viewing device—**

**Claim 136:**

lines 2-3, limitation "the tuned television signal having one of the encoding formats." has been replaced as -- **the first tuned television signal having one of the plurality of encoding formats.** --

**Claim 137:**

lines 1-2, limitations "the encoding formats" have been replaced as -- **the plurality of encoding formats** --



**Claim 138:**

lines 1-2, limitations "the encoding formats" have been replaced as -- **the plurality of encoding formats --**

**Claim 148:**

lines 1-7, limitation "a computer readable medium comprising a memory device encoded with computer executable instructions operable in a processor-containing set-top terminal (STT) which, when executed by the STT, will cause the STT to:

tune a television signal from a received multiplex signal, into a tuned television signal, wherein the multiplexed signal is received from a headend service provider;

digitally encode the tuned television signal having one of a plurality of encoding formats into an encoded signal having another one of the encoding formats," has been replaced as – **a computer readable medium comprising a memory device encoded with computer executable instructions being executed by a processor in a master set-top terminal (STT) which will cause the master STT to:**

**tune, at a first tuner, a television signal from a received multiplexed signal, into a first tuned television signal, wherein the received multiplexed signal is received from a headend service provider;**

**tune, at a second tuner, the television signal from the received multiplexed signal, into a second tuned television signal;**

**receive the first tuned television signal at a video encoder supporting a plurality of encoding formats;**

**digitally encode the first tuned television signal having one of the plurality of encoding formats into an encoded signal having another one of the plurality of encoding formats, --**

line 10, limitation "the multiplexed signal" has been replaced as -- **the received multiplexed signal--**

line 13, limitation "a viewing device" has been replaced as -- **a first viewing device—**

lines 15-18, limitation "responsive to the received control signal, instruct the first tuner to change the tuned television signal; and responsive to the change, transmit a changed encoded signal to the remote STT for display on the viewing device" has been replaced as -- **responsive to the received control signal, instruct the first tuner to tune to another tuned television signal such that an encoding of the another tuned television signal is transmitted to the remote STT for display on the first viewing device; and**

**facilitate transmission of the second tuned television signal independently to a second viewing device, the second viewing device being different that the first viewing device.**

**Claim 153:**

lines 3-4, limitation "the tuned television signal having one of the encoding formats." has been replaced as – **the first tuned television signal having one of the plurality of encoding formats. –**

**Claim 154:**

line 2, limitations "the encoding formats" have been replaced as -- **the plurality of encoding formats --**

**Claim 155:**

line 2, limitations "the encoding formats" have been replaced as -- **the plurality of encoding formats --**

**Claim 165:**

lines 2-3, limitation "the encoder to encode at the improved quality relates to buffering of the tuned television signal." has been replaced as -- **the video encoder to encode at the improved quality relates to buffering of the first tuned television signal. --**

**Claim 168:**

lines 1-2, limitation "the encoder" has been replaced as – **the video encoder --**

**Claim 173:**

line 2, limitation "the tuned television signal." has been replaced as -- **the first tuned television signal.** --

**Claim 177:**

line 2, limitation "the tuned television signal." has been replaced as -- **the first tuned television signal.** --

***Allowable Subject Matter***

4. Claims 1-16, 131-165, 168, 173, 176-177 and 180 are allowed in view of amendments to the claims and Applicant's arguments (pages 21-23). In particular, the prior art of record fails to disclose or fairly suggest a master set top box and remote set to box as variously claimed including a first tuner and second tuner tuning to a television signal to a first tuned television signal and second tuned television signal and a video encoder digitally encode the first tuned television having one of the plurality of encoding formats into an encoded signal having another one of the plurality of encoding formats, in accordance with a parameter describing quality of the encoded signal; automatically change the parameter upon the master set-top terminal becoming ready to compress the television signal from the received multiplexed signal received from the headend service provider, such that the quality of the encoded signal is improved while achieving a low latency, responsive to a change in capability to encode at the improved quality....

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2424

August 11, 2009